

## REMARKS

Claims 1-19 are pending in this application. Claims 1-19 stand rejected. Reconsideration and further examination of the subject patent application in light of the present Amendment and Remarks is respectfully requested.

### Rejections Under 35 U.S.C. §112

Claim 19 stands rejected under 35 U.S.C. §112, second paragraph, as being indefinite. In particular, the Office Action asserts that claim 19 depends on itself. In response, claim 19 has been amended to depend from claim 13.

### Rejections Under 35 U.S.C. §103

Claims 1-11 and 13-19 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Pat. No. 4,769,122 to Marrese et al. in view of U.S. Pat. No. 6,410,189 to Yamada et al. Applicant respectfully traverses the rejections.

In response, independent claim 1 has been clarified by being further directed to “a support which is one of rigid or semi-rigid, the support is in contact with, and presses against a side of the working electrode remote from the electrolyte to compress the electrodes and the electrolyte together, the support having a thickness of only approximately 0.1 mm thick.” Independent claims 4 and 13 have been similarly clarified. The support 24 which is one of rigid or semi-rigid, the support is in contact with, and presses against a side of the working electrode 14 remote from the electrolyte 17 to compress the electrodes 14, 16 and the electrolyte together, the support having a thickness of only approximately 0.1 mm thick is discussed in the first full paragraph of page 10.

Claims 1-11 and 13-19 are now clearly differentiated over Marrase et al. and Yamada et al. In this regard, Marrase et al. fails to disclose “a support which is one of rigid or semi-rigid, the support is in contact with, and presses against a side of the working electrode remote from the electrolyte to compress the electrodes and the electrolyte together, the support having a thickness of only approximately 0.1 mm thick and wherein the support defines a plurality of open areas allowing gas to contact the membrane, the surface area of that portion of the support between the open areas being less than 40% of the combined surface area of the open areas and that portion of the support between them.” Yamada et al. merely discloses a current collector for a battery.

Moreover, the additional limitation of “the support having a thickness of only approximately 0.1 mm” is functional on a number of different levels. On a first level, “the bars are so thin that the act of diffusing through the porous PTFE layer spreads the gas out to reach an extend that catalyst lying directly underneath these bars or struts 30 will receive target gas” (specification, first full paragraph of page 10).

On another level, those of skill in the art would understand that the claimed thickness is structural. In this regard, “the support ... presses against ... the working electrode ... to compress the electrodes and electrolyte together” (claim 1, lines 8-10). As noted above, Marrese et al. doesn’t disclose the claimed support.

Yamada et al. discloses an electrode that is merely formed into a laminate within a battery. The thicknesses of the Yamada et al. electrode “range from 5 to 100  $\mu\text{m}$ ” (Yamada et al., col. 3, lines 59-60). As would be well known to those of skill in the art, the 5 to 100  $\mu\text{m}$  would not provide structural support in the context of the claimed invention.

Since Marrese et al. and Yamada et al. and the combination of Marrese et al. and Yamada et al. do not disclose the above features, the combination fails to disclose each and every limitation of the claimed invention. Since the combination fails to teach or suggest each and every limitation of the claimed invention, the rejections are now improper and should be withdrawn.

Claim 12 stands rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Pat. No. 4,769,122 to Marrese et al. in view of U.S. Pat. No. 6,410,189 to Yamada et al. and U.S. Pat. No. 5,372,696 to Kiesele et al. Applicant respectfully traverses the rejections.

However, claim 12 is dependent upon claim 4 and includes all of the limitations of claim 4. Accordingly, claim 12 is limited to “a support that is in contact with, and presses against a side of the working electrode displaced from the electrolyte to compress the electrodes and the electrolyte together, such support comprising a plurality of open areas that enable gas to contact the membrane, the support including solid regions that extend between the open areas for contacting and supporting the membrane, such solid regions of only approximately 0.1 mm thick and having a width on the order of one of less than 0.3 mm, or less than 0.2 mm, and wherein the aggregate surface area of the solid regions is less than 40% of the combined surface area of the support, including the open areas.”

It may be noted next that Kiesele et al. (as with Marrese et al. and Yamada et al.) also fails to disclose these features of the claimed invention. In this regard, Kiesele et al. is merely directed to an adhesively bonded rim.

Since Marrese et al., Yamada et al. and Kiesele et al. and the combination of Marrese et al., Yamada et al. and Kiesele et al. do not disclose these features, the combination fails to disclose each and every limitation of the claimed invention. Since the combination fails to teach or suggest each and every limitation of the claimed invention, the rejections are now improper and should be withdrawn.

Closing Remarks

For the foregoing reasons, applicant submits that the subject application is in condition for allowance and earnestly solicits an early Notice of Allowance. Should the Primary Examiner be of the opinion that a telephone conference would expedite prosecution of the subject application, the Primary Examiner is respectfully requested to call the undersigned at the below-listed number.

The Commissioner is hereby authorized to charge any additional fee which may be required for this application under 37 C.F.R. §§ 1.16-1.18, including but not limited to the issue fee, or credit any overpayment, to Deposit Account No. 23-0920. Should no proper amount be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal, or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 23-0920. *(If filed by paper, a duplicate copy of this sheet(s) is enclosed).*

Respectfully submitted,

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